

H.R. 887: Mr. PETERSON of Minnesota.
 H.R. 895: Mr. GUTKNECHT, Mr. ROMERO-BARCELO, Ms. LOFGREN, and Mr. KNOLLENBERG.
 H.R. 939: Mrs. KELLY.
 H.R. 971: Ms. FURSE.
 H.R. 977: Mr. DORNAN.
 H.R. 1010: Mr. TEJEDA, Mr. McDERMOTT, Mr. UNDERWOOD, Mr. GREENWOOD, Mr. SCOTT, and Mr. EVANS.
 H.R. 1023: Mr. WELDON of Pennsylvania.
 H.R. 1029: Mrs. SCHROEDER, Mrs. JOHNSON of Connecticut, Mr. MANTON, Mr. WELLER, Ms. LOWEY, Mr. UNDERWOOD, and Ms. LOFGREN.
 H.R. 1047: Mr. SHUSTER.
 H. Con. Res. 12: Mr. FUNDERBURK, Mr. PALLONE, Mr. BOEHNER, and Mr. PETE GEREN of Texas.
 H. Res. 25: Mr. ROYCE, Mr. EMERSON, and Mr. NETHERCUTT.

¶35.28 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 2: Mr. HILLEARY, Mr. McINTOSH, and Mr. ROYCE.

THURSDAY, MARCH 2, 1995 (36)

The House was called to order by the SPEAKER.

¶36.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, March 1, 1995.

Pursuant to clause 1, rule I, the Journal was approved.

¶36.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

430. A letter from the Director, Standards of Conduct Office, Department of Defense, transmitting a report of individuals who filed DD Form 1787, Report of DOD and Defense Related Employment, for fiscal year 1993, pursuant to 10 U.S.C. 2397(e); to the Committee on National Security.

431. A letter from the Deputy Under Secretary of Defense (Environmental Security), transmitting a letter concerning the annual report on the progress DOD has made concerning environmental compliance at military installations; to the Committee on National Security.

432. A letter from the President, Export-Import Bank, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

433. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to various countries, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

434. A letter from the Chairman of the Board, National Credit Union Administration, transmitting the office's pay structure for fiscal year 1994 and fiscal year 1995, pursuant to Public Law 101-73, section 1206 (103 Stat. 523); to the Committee on Banking and Financial Services.

435. A letter from the Secretary of Housing and Urban Development, transmitting a report entitled, "Effect of the 1990 Census on CDBG Program Funding"; to the Committee on Banking and Financial Services.

436. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting a report on the status of various savings associations, pursuant to 12 U.S.C. 1441a(k); to the Committee on Banking and Financial Services.

437. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 1995 international narcotics control strategy report, pursuant to 22 U.S.C. 2291(b)(2); to the Committee on International Relations.

438. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's certification of the 29 major illicit narcotics producing and transit countries pursuant to section 490 of the Foreign Assistance Act; to the Committee on International Relations.

439. A communication from the President of the United States, transmitting a report regarding United States Armed Forces in Somalia (H. Doc. No. 104-42); to the Committee on International Relations and ordered to be printed.

440. A letter from the Director, U.S. Information Agency, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1996 and 1997 for the U.S. Information Agency, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on International Relations.

441. A letter from the Comptroller General of the United States, transmitting a report on independence of legal services provided to inspectors general appointed by the President; to the Committee on Government Reform and Oversight.

442. A letter from the Special Assistant for Management and Administration, Executive Office of the President, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

443. A letter from the Chairman, Merit Systems Protection Board, transmitting the 16th annual report on the activities of the Board during fiscal year 1994, pursuant to 5 U.S.C. 1209(b); to the Committee on Government Reform and Oversight.

444. A letter from the Chairman, National Endowment for the Arts, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

445. A letter from the Executive Secretary, National Security Council, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

446. A letter from the Director, Peace Corps, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

447. A letter from the Chairman, Railroad Retirement Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

448. A letter from the Chairman, Securities and Exchange Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

449. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

450. A letter from the Director, U.S. Trade and Development Agency, transmitting a re-

port of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

451. A letter from the Director, U.S. Information Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

452. A letter from the Secretary of the Interior, transmitting the Department's views to H.R. 925; to the Committee on Government Reform and Oversight.

453. A letter from the Secretary, Department of Transportation, transmitting a report on tanker safety and liability, pursuant to Public Law 102-241, section 32 (105 Stat. 2222); to the Committee on Transportation and Infrastructure.

454. A letter from the Secretary, Department of Veterans Affairs, transmitting the 1994 annual report, pursuant to 38 U.S.C. 214, 221(c), 664; to the Committee on Veterans' Affairs.

455. A letter from the Chairman, Prospective Payment Assessment Commission, transmitting the annual report on the Prospective Payment Assessment Commission, pursuant to 42 U.S.C. 1395ww(e)(6)(G)(i); to the Committee on Ways and Means.

456. A letter from the U.S. Trade Representative, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1996 and 1997 for the Office of the U.S. Trade Representative; to the Committee on Ways and Means.

457. A letter from the Under Secretary of Defense, transmitting the DOD implementation plan of matching of disbursements to obligations before payment, pursuant to Public Law 103-335, section 8137; jointly, to the Committees on National Security and Appropriations.

¶36.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 20. Concurrent resolution permitting the use of the rotunda of the Capitol for ceremonies as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message also announced that pursuant to section 2761 of title 22, United States Code, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Republican leader, appoints Mr. STEVENS as chairman of the Senate delegation to the British-American Interparliamentary Group during the 104th Congress.

The message also announced that pursuant to section 201(a)(2) of Public Law 93-344, the Chair announces, on behalf of the President pro tempore of the Senate and the Speaker of the House of Representatives, the appointment of Ms. June Ellenoff O'Neill as Director of the Congressional Budget Office for the term of office beginning on January 3, 1995, effective March 1, 1995.

The message also announced that pursuant to sections 276d-276g of title 22, United States Code, the Chair, on behalf of the Vice President, appoints Mr. MURKOWSKI as chairman of the Senate delegation to the Canada-United States Interparliamentary Group during the 104th Congress.

The message also announced that pursuant to sections 276h-276k of title 22, United States Code, the Chair, on behalf of the Vice President, appoints Mr. KYL as chairman of the Senate delegation to the Mexico-United States Interparliamentary Group during the 104th Congress.

The message also announced that pursuant to sections 276h-276k of title 22, United States Code, as amended the Chair, on behalf of the Vice President, appoints Mr. DODD as vice chairman of the Senate delegation to the Mexico-United States Interparliamentary Group during the 104th Congress.

The message also announced that pursuant to sections 276a of title 22, United States Code, the Chair, on behalf of the Vice President, appoints Mr. BURNS as chairman of the Senate delegation to the Interparliamentary Union during the 104th Congress.

The message also announced that pursuant to sections 1928a-1928d of title 22, United States Code, the Chair, on behalf of the Vice President, appoints Mr. ROTH as chairman of the Senate delegation to the North Atlantic Assembly during the 104th Congress.

The message also announced that pursuant to sections 1928a-1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. HEFLIN as vice chairman of the Senate delegation to the North Atlantic Assembly during the 104th Congress.

36.4 FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

The SPEAKER, pursuant to the provisions of Public Law 84-372, appointed to the Franklin Delano Roosevelt Memorial Commission, Mr. LEWIS of California, on the part of the House.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

36.5 H. RES. 101—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. QUINN, pursuant to clause 5, rule I, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 101) providing for the consideration of the bill (H.R. 925) to compensate owners of private property for the effect of certain regulatory restrictions.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 271
Nays 151

36.6 [Roll No. 189] YEAS—271

Allard	Bartlett	Bonilla
Archer	Barton	Bono
Armey	Bass	Brewster
Bachus	Bateman	Browder
Baessler	Bereuter	Brownback
Baker (CA)	Bevill	Bryant (TN)
Baker (LA)	Bilirakis	Bunn
Ballenger	Bliley	Bunning
Barcia	Blute	Burr
Barr	Boehler	Burton
Barrett (NE)	Boehner	Buyer

Callahan	Heineman	Pombo
Calvert	Herger	Porter
Camp	Hillery	Portman
Canady	Hobson	Poshard
Castle	Hoekstra	Pryce
Chabot	Hoke	Quillen
Chambliss	Holden	Quinn
Chenoweth	Horn	Radanovich
Christensen	Hostettler	Ramstad
Chrysler	Houghton	Regula
Clinger	Hunter	Riggs
Coble	Hutchinson	Roberts
Coburn	Hyde	Rogers
Collins (GA)	Inglis	Rohrabacher
Combest	Istook	Ros-Lehtinen
Condit	Johnson (CT)	Rose
Cooley	Johnson, Sam	Roth
Cox	Jones	Roukema
Cramer	Kasich	Royce
Crane	Kelly	Salmon
Crapo	Kennelly	Sanford
Cremeans	Kim	Saxton
Cubin	King	Scarborough
Cunningham	Kingston	Schaefer
Davis	Klink	Schiff
de la Garza	Klug	Schumer
Deal	Knollenberg	Seastrand
Diaz-Balart	Kolbe	Sensenbrenner
Dickey	LaHood	Shadegg
Doollittle	Largent	Shaw
Dornan	Latham	Shays
Dreier	LaTourrette	Shuster
Duncan	Laughlin	Sisisky
Dunn	Lazio	Skeen
Edwards	Leach	Skelton
Ehlers	Lewis (CA)	Smith (MI)
Ehrlich	Lewis (KY)	Smith (NJ)
Emerson	Lightfoot	Smith (TX)
English	Linder	Smith (WA)
Ensign	Livingston	Solomon
Everett	LoBiondo	Souder
Ewing	Longley	Spence
Fawell	Lucas	Stearns
Fazio	Manzullo	Stenholm
Fields (TX)	Martinez	Stockman
Flanagan	Martini	Stump
Foley	McCollum	Stupak
Forbes	McCrery	Talent
Fowler	McDade	Tanner
Fox	McHale	Tate
Franks (CT)	McHugh	Tauzin
Franks (NJ)	McInnis	Taylor (NC)
Frelinghuysen	McIntosh	Tejeda
Frisa	McKeon	Thomas
Frost	McNulty	Thornberry
Funderburk	Meehan	Tiahrt
Galleghy	Meyers	Torkildsen
Ganske	Mica	Torricelli
Gekas	Miller (FL)	Traficant
Geren	Molinari	Upton
Gilchrest	Mollohan	Vucanovich
Gillmor	Montgomery	Waldholtz
Gilman	Moorhead	Walsh
Goodlatte	Morella	Wamp
Goodling	Murtha	Watts (OK)
Gordon	Myers	Weldon (FL)
Goss	Myrick	Weldon (PA)
Graham	Nethercutt	Weller
Green	Neumann	White
Greenwood	Ney	Whitfield
Gunderson	Norwood	Wicker
Gutknecht	Nussle	Wilson
Hall (TX)	Oxley	Wolf
Hancock	Packard	Wyden
Hansen	Parker	Young (AK)
Hastert	Paxon	Young (FL)
Hastings (WA)	Payne (VA)	Zeliff
Hayworth	Peterson (MN)	Zimmer
Hefley	Petri	
Hefner	Pickett	

NAYS—151

Abercrombie	Clayton	Durbin
Ackerman	Clement	Engel
Andrews	Clyburn	Eshoo
Baldacci	Coleman	Evans
Barrett (WI)	Collins (IL)	Farr
Becerra	Collins (MI)	Fattah
Beilenson	Conyers	Fields (LA)
Bentsen	Costello	Filner
Berman	Coyne	Flake
Bishop	Danner	Foglietta
Bonior	DeFazio	Ford
Borski	DeLauro	Frank (MA)
Boucher	Dellums	Furse
Brown (CA)	Deutsch	Gejdenson
Brown (FL)	Dixon	Gephardt
Brown (OH)	Doggett	Gibbons
Cardin	Dooley	Gutierrez
Chapman	Doyle	Hall (OH)

Hamilton	McCarthy	Rush
Harman	McDermott	Sabo
Hastings (FL)	McKinney	Sanders
Hayes	Meek	Sawyer
Hilliard	Menendez	Schroeder
Hinchey	Mfume	Scott
Hoyer	Miller (CA)	Serrano
Jackson-Lee	Mineta	Skaggs
Jacobs	Minge	Slaughter
Jefferson	Mink	Spratt
Johnson (SD)	Moran	Stark
Johnson, E.B.	Nadler	Studds
Johnston	Neal	Taylor (MS)
Kanjorski	Oberstar	Thompson
Kaptur	Obey	Thornton
Kennedy (MA)	Olver	Thurman
Kennedy (RI)	Ortiz	Tucker
Kildee	Orton	Velazquez
Kleczka	Owens	Vento
LaFalce	Pallone	Visclosky
Lantos	Pastor	Volkmer
Lewin	Payne (NJ)	Walker
Lewis (GA)	Pelosi	Ward
Lincoln	Peterson (FL)	Waters
Lipinski	Pomeroy	Watt (NC)
Lofgren	Rahall	Waxman
Lowe	Rangel	Williams
Luther	Reed	Wise
Maloney	Reynolds	Woolsey
Manton	Richardson	Wynn
Markey	Rivers	Yates
Mascara	Roemer	
Matsui	Roybal-Allard	

NOT VOTING—12

Bilbray	Dicks	Moakley
Bryant (TX)	Dingell	Stokes
Clay	Gonzalez	Torres
DeLay	Metcalfe	Towns

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

36.7 PRIVATE PROPERTY RIGHTS

The SPEAKER pro tempore, Mr. QUINN, pursuant to House Resolution 101 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 925) to compensate owners of private property for the effect of certain regulatory restrictions.

Mr. SHUSTER, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

36.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. TAUZIN to the amendment in the nature of a substitute submitted by Mr. CANADY:

Amendment submitted by Mr. TAUZIN:

In section 3(a) after "agency action" the first place it appears insert ", under a specified regulatory law".

Add at the end of section 3(a) "If the diminution in value of a portion of that property is greater than 50 percent, at the option of the owner, the Federal Government shall buy that portion of the property for its fair market value."

In section 4, strike the first sentence and amend the second sentence to read "If a use is a nuisance as defined by the law of a State or is already prohibited under a local zoning ordinance, no compensation shall be made under this Act with respect to a limitation on that use."

In the heading for section 8, strike "Rule" and insert "Rules".

At the beginning of section 8, strike "Nothing" and insert:

(a) EFFECT ON CONSTITUTIONAL RIGHT TO COMPENSATION.—NOTHING

At the end of section 8, insert the following:

(b) EFFECT OF PAYMENT.—Payment of compensation under this Act (other than when the property is bought by the Federal Government at the option of the owner) shall not confer any rights on the Federal Government other than the limitation on use resulting from the agency action.

In section 9, after paragraph (4) insert the following:

(5) the term "specified regulatory law" means—

(A) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

(B) the Endangered Species Act of 1979 (16 U.S.C. 1531 et seq.);

(C) title XIII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.); or

(D) with respect to an owner's right to use or receive water only—

(i) the Act of June 17, 1902, and all Acts amendatory thereof or supplementary thereto, popularly called the "Reclamation Acts" (43 U.S.C. 371 et seq.);

(ii) the Federal Land Policy Management Act (43 U.S.C. 1701 et seq.); or

(iii) section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604);

Redesignate succeeding paragraphs accordingly.

Amendment in the nature of a substitute submitted by Mr. CANADY:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Property Protection Act of 1995".

SEC. 2. FEDERAL POLICY AND DIRECTION.

(a) GENERAL POLICY.—It is the policy of the Federal Government that no law or agency action should limit the use of privately owned property so as to diminish its value.

(b) APPLICATION TO FEDERAL AGENCY ACTION.—Each Federal agency, officer, and employee should exercise Federal authority to ensure that agency action will not limit the use of privately owned property so as to diminish its value.

SEC. 3. RIGHT TO COMPENSATION.

(A) IN GENERAL.—The Federal Government shall compensate an owner of property whose use of any portion of that property has been limited by an agency action that diminishes the fair market value of that portion by 10 percent or more. The amount of the compensation shall equal the diminution in value that resulted from the agency action.

(b) DURATION OF LIMITATION ON USE.—Property with respect to which compensation has been paid under this Act shall not thereafter be used contrary to the limitation imposed by the agency action, even if that action is later rescinded or otherwise vitiated. However, if that action is later rescinded or otherwise vitiated, and the owner elects to refund the amount of the compensation, adjusted for inflation, to the Treasury of the United States, the property may be so used.

SEC. 4. EFFECT OF STATE LAW.

No compensation shall be made under this Act if the use limited by Federal agency action is proscribed under the law of the State in which the property is located (other than a proscription required by a Federal law, either directly or as a condition for assistance). If a use is a nuisance as defined by the law of a State or is prohibited under a local zoning ordinance, that use is proscribed for the purposes of this subsection.

SEC. 5. EXCEPTIONS.

(a) PREVENTION OF HAZARD TO HEALTH OR SAFETY OR DAMAGE TO SPECIFIC PROPERTY.—No compensation shall be made under this

Act with respect to an agency action the primary purpose of which is to prevent an identifiable—

(1) hazard to public health or safety; or

(2) damage to specific property other than the property whose use is limited.

(b) NAVIGATION SERVITUDE.—No compensation shall be made under this Act with respect to an agency action pursuant to the Federal navigation servitude, as defined by the courts of the United States, except to the extent such servitude is interpreted to apply to wetlands.

SEC. 6. PROCEDURE.

(a) REQUEST OF OWNER.—An owner seeking compensation under this Act shall make a written request for compensation to the agency whose agency action resulted in the limitation. No such request may be made later than 180 days after the owner receives actual notice of that agency action.

(b) NEGOTIATIONS.—The agency may bargain with that owner to establish the amount of the compensation. If the agency and the owner agree to such an amount, the agency shall promptly pay the owner the amount agreed upon.

(c) CHOICE OF REMEDIES.—If, not later than 180 days after the written request is made, the parties do not come to an agreement as to the right to and amount of compensation, the owner may choose to take the matter to binding arbitration or seek compensation in a civil action.

(d) ARBITRATION.—The procedures that govern the arbitration shall, as nearly as practicable, be those established under title 9, United States Code, for arbitration proceedings to which that title applies. An award made in such arbitration shall include a reasonable attorney's fee and other arbitration costs (including appraisal fees). The agency shall promptly pay any award made to the owner.

(e) CIVIL ACTION.—An owner who does not choose arbitration, or who does not receive prompt payment when required by this section, may obtain appropriate relief in a civil action against the agency. An owner who prevails in a civil action under this section shall be entitled to, and the agency shall be liable for, a reasonable attorney's fee and other litigation costs (including appraisal fees). The court shall award interest on the amount of any compensation from the time of the limitation.

(f) SOURCE OF PAYMENTS.—Any payment made under this section to an owner, and any judgment obtained by an owner in a civil action under this section shall, notwithstanding any other provision of law, be made from the annual appropriation of the agency whose action occasioned the payment or judgment. If the agency action resulted from a requirement imposed by another agency, then the agency making the payment or satisfying the judgment may seek partial or complete reimbursement from the appropriated funds of the other agency. For this purpose the head of the agency concerned may transfer or reprogram any appropriated funds available to the agency. If insufficient funds exist for the payment or to satisfy the judgment, it shall be the duty of the head of the agency to seek the appropriation of such funds for the next fiscal year.

SEC. 7. LIMITATION.

Notwithstanding any other provision of law, any obligation of the United States to make any payment under this Act shall be subject to the availability of appropriations.

SEC. 8. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to limit any right to compensation that exists under the Constitution or under other laws of the United States.

SEC. 9. DEFINITIONS.

For the purposes of this Act—

(1) the term "property" means land and includes the right to use or receive water;

(2) a use of property is limited by an agency action if a particular legal right to use that property no longer exists because of the action;

(3) the term "agency action" has the meaning given that term in section 551 of title 5, United States Code, but also includes the making of a grant to a public authority conditioned upon an action by the recipient that would constitute a limitation if done directly by the agency;

(4) the term "agency" has the meaning given that term in section 551 of title 5, United States Code;

(5) the term "State" includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States; and

(6) the term "law of the State" includes the law of a political subdivision of a State.

It was decided in the } Yeas 301
affirmative } Nays 128

¶36.9

[Roll No. 190]

AYES—301

Allard	DeLay	Hutchinson
Andrews	Deusch	Hyde
Archer	Diaz-Balart	Inglis
Armey	Dickey	Istook
Bachus	Dicks	Johnson (CT)
Baessler	Dooley	Johnson (SD)
Baker (CA)	Doolittle	Johnson, Sam
Baker (LA)	Dornan	Jones
Ballenger	Doyle	Kanjorski
Barcia	Dreier	Kasich
Barr	Duncan	Kelly
Barrett (NE)	Dunn	Kennelly
Bartlett	Durbin	Kim
Barton	Edwards	King
Bass	Ehrlich	Kingston
Bateman	Emerson	Klink
Bereuter	English	Klug
Bevill	Ensign	Knollenberg
Bilbray	Everett	Kolbe
Bilirakis	Ewing	LaFalce
Bishop	Fawell	LaHood
Bliley	Fazio	Largent
Blute	Fields (TX)	Latham
Boehner	Flanagan	LaTourette
Bonilla	Foley	Laughlin
Bono	Forbes	Lazio
Boucher	Fowler	Leach
Brewster	Fox	Lewis (CA)
Browder	Franks (CT)	Lewis (KY)
Brown (OH)	Frisa	Lincoln
Brownback	Frost	Linder
Bryant (TN)	Funderburk	Livingston
Bunn	Gallegly	LoBiondo
Bunning	Ganske	Longley
Burr	Gephardt	Lucas
Burton	Geren	Maloney
Buyer	Gillmor	Manton
Callahan	Gilman	Manzullo
Calvert	Goodlatte	Martinez
Camp	Goodling	Mascara
Canady	Gordon	Matsui
Castle	Goss	McCollum
Chabot	Graham	McCrery
Chambliss	Green	McDade
Chapman	Greenwood	McHale
Chenoweth	Gunderson	McHugh
Christensen	Gutknecht	McInnis
Chrysler	Hall (TX)	McIntosh
Clement	Hancock	McKeon
Clinger	Hansen	McNulty
Clyburn	Harman	Metcalf
Coble	Hastert	Mica
Coburn	Hastings (WA)	Miller (FL)
Coleman	Hayes	Minge
Collins (GA)	Hayworth	Mollinari
Combest	Hefley	Mollohan
Condit	Hefner	Montgomery
Cooley	Heineman	Moorhead
Cox	Herger	Moran
Cramer	Hilleary	Murtha
Crane	Hilliard	Myers
Crapo	Hobson	Myrick
Creameans	Hoekstra	Neal
Cubin	Holden	Nethercutt
Cunningham	Horn	Neumann
Danner	Hostettler	Ney
Davis	Houghton	Norwood
de la Garza	Hoyer	Nussle
Deal	Hunter	Obey

Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon

Sanford
Sawyer
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)

Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NOES—128

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Clay
Clayton
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Dingell
Dixon
Doggett
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse

Gejdenson
Gibbons
Gilchrist
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hinchey
Jackson-Lee
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Klecza
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Markay
Martini
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Mink
Morella
Nadler
Oberstar
Olver
Owens

Pallone
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Saxton
Scarborough
Schroeder
Serrano
Skaggs
Slaughter
Smith (NJ)
Stark
Stokes
Studds
Thompson
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Woolsey
Wyden
Yates
Zimmer

NOT VOTING—5

Gekas
Gonzalez

Hoke
Lightfoot

Moakley

So the amendment to the amendment in the nature of a substitute was agreed to.

After some further time,

36.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. PORTER to the foregoing amendment in the nature of a substitute submitted by Mr. CANADY:

Page 3, after line 11, insert the following:

SEC. 6 EFFECT OF PRIVATE PROPERTY IMPACT ANALYSIS.

(a) IN GENERAL.—No compensation shall be made under this Act with respect to any agency action for which the agency has completed a private property impact analysis before taking that agency action.

(b) CONTENT.—For the purposes of this section, a private property impact analysis is a written statement that includes.—

(1) the specific purpose of the agency action;

(2) an assessment of the likelihood that a taking of private property will occur under such action; and

(3) alternatives to the agency action, if any, that would achieve the intended purpose and lessen the likelihood of a taking of private property.

(c) PRECLUSION OF JUDICIAL REVIEW.—Neither the sufficiency nor any other aspect of a private property impact analysis made under this section is subject to judicial review.

(d) EFFECT ON OTHER RIGHTS.—The fact that compensation may not be made under this Act by reason of this section does not affect the right to compensation for takings of private property for public use under the fifth article of amendment to the Constitution.

(e) DEFINITION.—As used in this section, the term “taking of private property” means an action whereby property is taken in such a way as to require compensation under the fifth article of amendment to the Constitution.

Redesignated succeeding sections accordingly.

It was decided in the { Yeas 186
negative } Nays 241

36.11 [Roll No. 191]
AYES—186

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbín
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner

Flake
Foglietta
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrist
Gilman
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hinchey
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
Klug
LaFalce
Lantos
LaTourette
Lazio
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton

Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Porter
Quinn
Rahall
Ramstad
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Roukema
Roybal-Allard
Rush
Sabo

Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Smith (NJ)
Spratt

Stark
Stokes
Studds
Stupak
Thompson
Thornton
Torkildsen
Torres
Towns
Tucker
Velazquez
Vento
Visclosky

Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—241

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Creameans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (CT)

Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann

Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Pryce
Quillen
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—7

Baesler
Brown (CA)
Bryant (TX)

Gonzalez
Klecza
Moakley

Torricelli

So the amendment to the amendment in the nature of a substitute was not agreed to.

After some further time,

§36.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. GOSS to the foregoing amendment in the nature of a substitute submitted by Mr. CANADY:

In section 3(a), strike “any portion” and all that follows through “10 percent” and insert “that property has been limited by an agency action, under a specified regulatory law, that diminishes the fair market value of that property by 30 percent”.

It was decided in the { Yeas 210
negative } Nays 211

§36.13 [Roll No. 192]
AYES—210

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Billbray
Bilirakis
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Cardin
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Ehlers
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Furse

Gejdenson
Gephardt
Gibbons
Gilchrist
Gilman
Gordon
Goss
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klecza
Klink
Klug
Kolbe
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge

Mink
Mollohan
Moran
Nadler
Neal
Nethercutt
Oberstar
Obey
Oliver
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thurman
Torkildsen
Torres
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Walsh
Ward

Waters
Watt (NC)
Waxman
Weldon (PA)

Williams
Wise
Wolf
Woolsey

Wyden
Wynn
Young (FL)
Zimmer

NOES—211

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bevill
Bliley
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Creameans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Fox
Franks (CT)

Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Graham
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Knollenberg
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Molinari
Montgomery
Moorhead
Murtha
Myers
Myrick

Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Quillen
Radanovich
Riggs
Roberts
Rogers
Rohrabacher
Roth
Royce
Salmon
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Volkmer
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Young (AK)
Zeliff

NOT VOTING—13

Baesler
Brown (CA)
Bryant (TX)
Gonzalez
Horn

Hoyer
Laughlin
Martinez
Moakley
Owens

So the amendment to the amendment in the nature of a substitute was not agreed to.

After some further time,

§36.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. WYDEN to the foregoing amendment in the nature of a substitute submitted by Mr. CANADY:

In section 5(a)(2) strike the period and insert “, or”.

At the end of section 5(a), insert:

with respect to an agency action that would prevent or restrict any activity likely to diminish the fair market value of any private homes.

In section 9, insert the following new paragraph after paragraph (4), and redesignate subsequent paragraphs accordingly;

(5) the term “private home” means any owner occupied dwelling, including any multi-family dwelling and any condominium.

It was decided in the { Yeas 165
negative } Nays 260

§36.15 [Roll No. 193]
AYES—165

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrist

Gordon
Goss
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moran
Morella
Murtha
Nadler

Neal
Oberstar
Obey
Oliver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Porter
Poshard
Rahall
Reed
Reynolds
Richardson
Rivers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Thurman
Torres
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Zimmer

NOES—260

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Billbray
Bilirakis
Bliley
Blute

Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler

Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Creameans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart

Dickey	Kasich	Riggs
Dooley	Kim	Roberts
Doolittle	King	Roemer
Dornan	Kingston	Rogers
Dreier	Klecza	Rohrabacher
Duncan	Klug	Ros-Lehtinen
Dunn	Knollenberg	Rose
Edwards	Kolbe	Roth
Ehlers	LaHood	Royce
Ehrlich	Largent	Salmon
Emerson	Latham	Sanford
English	LaTourette	Saxton
Ensign	Laughlin	Scarborough
Everett	Lazio	Schaefer
Ewing	Leach	Schiff
Fawell	Lewis (CA)	Seastrand
Fields (TX)	Lewis (KY)	Sensenbrenner
Flanagan	Lightfoot	Shadegg
Foley	Lincoln	Shaw
Forbes	Linder	Shuster
Fowler	Livingston	Sisisky
Fox	LoBiondo	Skeen
Franks (CT)	Longley	Skelton
Franks (NJ)	Lucas	Smith (MI)
Frelinghuysen	Manzullo	Smith (NJ)
Frisa	Martini	Smith (TX)
Funderburk	McCollum	Smith (WA)
Gallegly	McCrery	Solomon
Ganske	McDade	Souder
Gekas	McHugh	Spence
Geren	McInnis	Stearns
Gillmor	McIntosh	Stenholm
Gilman	McKeon	Stockman
Goodlatte	McNulty	Stump
Goodling	Metcalfe	Talent
Graham	Mica	Tanner
Greenwood	Miller (FL)	Tate
Gunderson	Minge	Tauzin
Gutknecht	Molinari	Taylor (MS)
Hall (TX)	Montgomery	Taylor (NC)
Hamilton	Moorhead	Tejeda
Hancock	Myers	Thomas
Hansen	Myrick	Thornberry
Harman	Nethercutt	Thornton
Hastert	Neumann	Tiahrt
Hastings (WA)	Ney	Torkildsen
Hayes	Norwood	Upton
Hayworth	Nussle	Volkmer
Hefley	Ortiz	Vucanovich
Heineman	Orton	Waldholtz
Herger	Oxley	Walker
Hilleary	Packard	Walsh
Hobson	Parker	Wamp
Hoekstra	Paxon	Watts (OK)
Hoke	Payne (VA)	Weldon (FL)
Holden	Peterson (MN)	Weldon (PA)
Horn	Petri	Weller
Hostettler	Pickett	White
Houghton	Pombo	Whitfield
Hunter	Portman	Wicker
Hutchinson	Pryce	Wilson
Hyde	Quillen	Wolf
Inglis	Quinn	Young (AK)
Istook	Radanovich	Young (FL)
Johnson, Sam	Ramstad	Zeliff
Jones	Regula	

NOT VOTING—9

Bryant (TX)	Gonzalez	Rangel
Chenoweth	Martinez	Torricelli
Flake	Moakley	Yates

So the amendment to the amendment in the nature of a substitute was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. MCHUGH, assumed the Chair.

When Mr. SHUSTER, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶36.16 COMMITTEES AND SUBCOMMITTEES TO SIT

On motion of Mr. BONILLA, by unanimous consent, the following committees and their subcommittees were granted permission to sit during the 5-minute rule on Friday, March 3, 1995: the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on the Judiciary, and the Committee on Transportation and Infrastructure.

And then,

¶36.17 ADJOURNMENT

On motion of Mr. FRANKS of Connecticut, at 11 o'clock and 44 minutes p.m., the House adjourned.

¶36.18 REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 956. A bill to establish legal standards and procedures for product liability litigation, and for other purposes, with an amendment; referred to the Committee on Commerce for a period ending not later than March 7, 1995, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X (Rept. No. 104-64, Pt. 1). Ordered to be printed.

¶36.19 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. THORNTON:

H.R. 1109. A bill to improve budgetary information by requiring that the unified budget presented by the President contain information which facilitates consideration of choices between spending which is consumption oriented, spending which is of a development character, and spending which is in the nature of a capital investment, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. ALLARD (for himself, Mr. HERGER, Mr. CRANE, and Mr. DUNCAN):

H.R. 1110. A bill to amend the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 to limit the rate of growth of Federal outlays to 2 percent per year; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DORNAN (for himself, Mr. HYDE, and Mr. FUNDERBURK):

H.R. 1111. A bill to clarify the war powers of Congress and the President in the post-cold war period; to the Committee on International Relations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BREWSTER (for himself, Mr. YOUNG of Alaska, Mr. COBURN, Mr. ISTOOK, Mr. LARGENT, Mr. LUCAS, Mr. WATTS of Oklahoma, Mr. ABERCROMBIE, Mr. BAESLER, Mr. BAKER of California, Mr. BALLENGER, Mr. BARCIA, Mr. BARRETT of Nebraska, Mr. BONILLA, Mr. BROWDER, Mr. CAMP, Mrs. CHENOWETH, Mr. COBLE, Mr. CONDIT, Mr. CRAMER, Mr. CRAPO, Ms. DANNER, Mr. DEAL of Georgia, Mr. DELAY, Mr. DICKEY, Mr. DOOLEY, Mr. EDWARDS, Mr. FIELDS of Texas, Mr. GANSKE, Mr. PETE GEREN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. HANCOCK, Mr. HAYES, Mr. HERGER, Mr. HOBSON, Mr. LAUGHLIN, Mr. LIPINSKI, Mr. MCINNIS, Mr. MONTGOMERY, Mr. NEY, Mr.

ORTON, Mr. ORTIZ, Mr. PARKER, Mr. PETERSON of Minnesota, Mr. POSHARD, Mr. ROBERTS, Mr. ROSE, Mr. SCHAEFER, Mr. SCHUMER, Mr. SMITH of Michigan, Mr. STENHOLM, Mr. TANNER, Mr. TAUZIN, Mr. THORNTON, Mrs. THURMAN, Mr. VOLKMER, and Mr. ZELIFF):

H.R. 1112. A bill to transfer management of the Tishomingo National Wildlife Refuge in Oklahoma to the State of Oklahoma; to the Committee on Resources.

By Mr. BURTON of Indiana:

H.R. 1113. A bill to suspend until January 1, 1998, the duty on Floridone aquatic herbicide; to the Committee on Ways and Means.

By Mr. EWING (for himself, Mr. COMBEST, Mr. KLINK, Mr. HOEKSTRA, Mr. MARTINEZ, Mr. PASTOR, Mr. FAWELL, and Mr. BONILLA):

H.R. 1114. A bill to authorize minors who are under the child labor provisions of the Fair Labor Standards Act of 1938 and who are under 18 years of age to load materials into balers and compactors that meet appropriate American National Standards Institute design safety standards; to the Committee on Economic and Educational Opportunities.

By Mrs. LOWEY (for herself, Mrs.

MORELLA, Mrs. CLAYTON, Ms. MCKINNEY, Ms. LOFGREN, Mr. FROST, Mr. BEILSEN, Ms. PELOSI, Ms. WATERS, and Mr. SERRANO):

H.R. 1115. A bill to amend title IV of the Social Security Act to reduce teenage pregnancy, to encourage parental responsibility, and for other purposes; to the Committee on Ways and Means.

By Mr. MONTGOMERY (for himself, Mr. STUMP, Mr. BUYER, Ms. WATERS, Mr. EVANS, Mr. CLYBURN, and Mr. MASCARA):

H.R. 1116. A bill to amend title 10, United States Code, to increase the educational assistance allowance with respect to skills or specialties for which there is a critical shortage of personnel; to the Committee on National Security.

By Mr. PARKER:

H.R. 1117. A bill to provide for the establishment of the Margaret Walker Alexander National African-American Research Center; to the Committee on Economic and Educational Opportunities.

By Mr. POMBO (for himself and Mr. DOOLITTLE):

H.R. 1118. A bill to amend title 10, United States Code, to prohibit any Federal grant or contract from being awarded to any institution of higher education that does not allow the Secretary of Defense to maintain or establish Senior Reserve Officers' Training Corps units at that institution; to the Committee on National Security.

By Mr. RAMSTAD:

H.R. 1119. A bill to amend the Internal Revenue Code of 1986 to revise the treatment of deferred compensation plans of State and local governments and tax-exempt organizations; to the Committee on Ways and Means.

By Mr. ZELIFF (for himself, Mr. KASICH, Mr. MICA, Mr. MCCOLLUM, Mr. SHAYS, Mr. ZIMMER, Mr. INGLIS of South Carolina, Mr. GILCHREST, Mr. HOKE, Mr. RAMSTAD, Mr. TALENT, Mr. COX, Mr. SOLOMON, Mr. SMITH of Michigan, Mr. HANCOCK, Mr. BLUTE, Mr. HERGER, Mr. BASS, Mr. DOOLITTLE, Mr. BURR, Mr. JONES, Mr. FUNDERBURK, Mr. RADANOVICH, Mr. DORNAN, Mrs. SEASTRAND, and Mr. STEARNS):

H.R. 1120. A bill to provide for the consolidation of Federal employment assistance programs, to provide increased notice of the availability of the earned income tax credit, and to repeal the temporary FUTA surtax; to the Committee on Economic and Educational Opportunities, and in addition to

the Committees on Ways and Means, Agriculture, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM:

H.J. Res. 73. Joint resolution proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives; to the Committee on the Judiciary.

¶36.20 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

19. By the SPEAKER: Memorial of the Legislature of the State of Wyoming, relative to repealing the Gun-Free Schools Act of 1994; to the Committee on Economic and Educational Opportunities.

20. By the SPEAKER: Memorial of the House of Representatives of the State of New Mexico, relative to block grants; to the Committee on Economic and Educational Opportunities.

21. By the SPEAKER: Memorial of the Legislature of the State of Wyoming, relative to the Conference of the States; to the Committee on the Judiciary.

22. By the SPEAKER: Memorial of the Legislature of the State of Wyoming, relative to health reform matters; jointly, to the Committees on Ways and Means, Commerce, and Economic and Educational Opportunities.

¶36.21 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. LOBIONDO.

H.R. 44: Mr. MCDADE, Mr. LIPINSKI, Mr. DOYLE, Mr. SAXTON, Mr. GEJDENSON, Mr. RIGGS, Mr. WELLER, Mr. CRAMER, Mr. MURTHA, and Mr. KILDEE.

H.R. 70: Mr. CLEMENT.

H.R. 127: Mr. BONIOR, Mr. WELDON of Florida, Mr. WARD, and Ms. KAPTUR.

H.R. 195: Mr. EMERSON, Mr. BARRETT of Wisconsin, Mr. ZIMMER, and Mr. FROST.

H.R. 218: Mr. STEARNS.

H.R. 303: Mr. BEREUTER.

H.R. 312: Mr. ROYCE.

H.R. 326: Mr. BAKER of Louisiana and Mr. HERGER.

H.R. 330: Mr. KLUG.

H.R. 371: Mr. MONTGOMERY and Mr. LEWIS of California.

H.R. 373: Mr. PACKARD.

H.R. 438: Mrs. CHENOWETH and Ms. LOWEY.

H.R. 493: Ms. MCKINNEY and Mr. JOHNSTON of Florida.

H.R. 530: Mr. BOEHNER, Mr. FAWELL, Mr. HUTCHINSON, Mr. BURTON of Indiana, Mr. BAKER of Louisiana, Mr. KLUG, Mr. FIELDS of Texas, Mr. GILLMOR, Mr. FORBES, Mr. SOLOMON, Mr. MCINTOSH, Mr. TRAFICANT, Mr. BALLENGER, Mrs. MEYERS of Kansas, Mr. REGULA, Mr. HASTINGS of Florida, Mr. CALVERT, Mr. MONTGOMERY, Mr. BUYER, Mr. JACOBS, and Mr. LAHOOD.

H.R. 539: Mr. MCCRERY and Mr. MONTGOMERY.

H.R. 582: Mr. FOX and Mr. LUCAS.

H.R. 607: Mr. FRANK of Massachusetts, Mr. CHRYSLER, Mr. SOLOMON, and Mr. EHRLICH.

H.R. 674: Mr. SERRANO.

H.R. 682: Mr. JONES, Mr. HUTCHINSON, Mr. HAYES, Mr. UPTON, Mr. CALVERT, and Mr. NETHERCUTT.

H.R. 753: Mr. ROHRBACHER, Mr. BURR, Mr. BAKER of Louisiana, Mr. GUTKNECHT, Mr. BARCIA of Michigan, and Mr. FORBES.

H.R. 762: Mr. KLINK.

H.R. 783: Mr. CRAPO, Mr. WELLER, Mr. EVERETT, and Mr. BOUCHER.

H.R. 809: Mr. LIPINSKI.

H.R. 840: Mr. JONES.

H.R. 852: Mr. SMITH of New Jersey, Ms. PELOSI, Mr. LIPINSKI, Mr. FRAZER, and Mr. BEILINSON.

H.R. 860: Mr. STOCKMAN.

H.R. 873: Mr. PETERSON of Minnesota, Mr. REED, Mr. MOORHEAD, Mr. SOLOMON, Mr. MINGE, and Mr. CLEMENT.

H.R. 881: Mrs. CLAYTON, Mr. EVANS, and Mr. NADLER.

H.R. 936: Mr. RANGEL and Mr. OWENS.

H.R. 939: Mrs. ROUKEMA.

H.R. 969: Mr. UNDERWOOD and Mr. HANSEN.

H.R. 982: Mr. PAYNE of Virginia, Mr. BAESLER, and Mr. TAUZIN.

H.R. 1066: Mr. VISCLOSKEY, Mr. ZIMMER, and Mr. UNDERWOOD.

H. Con. Res. 10: Mr. SOUDER, Mr. TORRES, Mr. BACHUS, Mr. FILNER, Mr. PACKARD, Ms. WOOLSEY, and Mr. DICKS.

H. Con. Res. 12: Mr. MONTGOMERY, Mr. FALCOMA, Ms. ROYCE.

H. Res. 45: Ms. WOOLSEY, Mr. LIPINSKI, Mr. JOHNSON of South Dakota, and Mr. DEFazio.

FRIDAY, MARCH 3, 1995 (37)

The House was called to order by the SPEAKER.

¶37.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Thursday, March 2, 1995.

Pursuant to clause 1, rule I, the Journal was approved.

¶37.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

458. A letter from the Deputy Secretary of Defense, transmitting a report pursuant to section 1075 of the National Defense Authorization Act for fiscal year 1995; to the Committee on National Security.

459. A letter from the Department of Defense, Director of Defense Research and Engineering, transmitting a report on creation and operation of new federally funded research center, pursuant to 10 U.S.C. 2367(d)(1); to the Committee on National Security.

460. A letter from the Director, Defense Security Assistance Agency, transmitting the quarterly reports in accordance with sections 36(a) and 26(b) of the Arms Export Control Act, the March 24, 1979 report by the Committee on Foreign Affairs, and the seventh report by the Committee on Government Operations for the first quarter of fiscal year 1995, October 1, 1994 through December 31, 1994, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

461. A letter from the Chairman, Board for International Broadcasting, transmitting the Board's annual report on its activities, as well as its review and evaluation of the operation of Radio Free Europe/Radio Liberty for the period October 1, 1993, through September 30, 1994, pursuant to 22 U.S.C. 2873(a)(9); to the Committee on International Relations.

462. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the nonproliferation and disarmament fund report, fiscal year 1994, pursuant to section 504 of the Freedom Support Act of 1992; to the Committee on International Relations.

463. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-16, "Salvation Army Equitable Real Property Tax Relief Act of

1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

464. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-17, "Methodist Cemetery Association Equitable Real Property Tax Relief Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

465. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-18, "Christ United Methodist Church Equitable Real Property Tax Relief Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

466. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-19, "Real Property Deed Recordation Amendment Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

467. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-21, "Metropolitan Baptist Church Equitable Real Property Tax Relief Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

468. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-22, "Riverside Baptist Church Equitable Real Property Tax Relief Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

469. A letter from the Assistant Secretary (Management), Department of Treasury, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

470. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

471. A letter from the Chairman, Federal Maritime Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

472. A letter from the Secretary of Health and Human Services, transmitting the annual report with respect to actions taken to recruit and train Indians to qualify them for positions subject to Indian preference; the annual report on actions taken to place non-Indians employed by the Indian Health Service in other Federal agencies, pursuant to 25 U.S.C. 472a(d); to the Committee on Resources.

473. A letter from the Chairman, Administrative Conference of the United States, the Conference's report entitled, "Toward Improved Agency Dispute Resolution: Implementing the ADR Act"; to the Committee on the Judiciary.

¶37.3 PRIVATE PROPERTY RIGHTS

The SPEAKER pro tempore, Mr. DOOLITTLE, pursuant to House Resolution 101 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 925) to compensate owners of private property for the effect of certain regulatory restrictions.

Mr. SHUSTER, Chairman of the Committee of the Whole, resumed the